

19 AUG 2008

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In re Application of
Bandi et al.
Application No. 10/598,846
PCT No.: PCT/IN2005/000097
Int. Filing Date: 01 April 2005
Priority Date: N/A
Atty. Docket No.:
For: A Novel Crystalline Form
Of Rupatadine Free Base

DECISION

This is in response to the "Request For Correction Of Inventors' Names" filed on 17 October 2007.

BACKGROUND

International application PCT/IN2005/000097 was filed on 01 April 2005, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 05 October 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 October 2007. Applicants filed, *inter alia*, the basic national fee on 13 September 2006.

DISCUSSION

Counsel states that "it has come to our attention that due to a typographical error, the surnames of several of the applicants have been incorrectly identified as first names." Counsel states that the correct renditions of the names are PARTHASARADHI REDDY, Bandi; RATHNAKAR REDDY, Kura; RAJI REDDY, Rapolu; MURALIDHARA REDDY, Dasari; and SUBASH CHANDER REDDY, Kesireddy. Inspection of the copy of the declaration under PCT Rule 4.17(iv) filed on 13 September 2006 reveals that it nominates PARTHASARADHI REDDY, bandi; RATHNAKAR REDDY, kura; RAJI REDDY, rapolu; MURALIDHARA REDDY, dasari; and SUBASH CHANDER REDDY, kesireddy. Meanwhile, the published international application nominates the same inventors (the capitalization status of the first names is not considered to alter their identification). As such, despite counsel's suggestion to the contrary, it appears that the orders of the inventors' names are the same on the declaration, in the publication and in the instant "Request For Correction..." Since applicants are requesting acceptance of a change in order of the names when no such change is necessary, the request is MOOT.

DECISION

The request is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing.

/George Dombroske/
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